

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.114, are respectfully requested.

By the foregoing amendment, claims 1, 2, 11, 30-34 and 55 have been amended. In particular, claims 1, 11 and 34 have been amended to recite "wherein said microorganism is *Mortierella elongata* SAM 0219 or *Mortierella alpina* SAM 2241." Support for this amendment can be found throughout the originally filed application, including, for instance, page 9, line 20 – page 10, line 21; page 12, line 33 - page 13, line 4; and page 30. Claim 2 has been amended to recite that the fatty acids can have "18 carbons or more." Support for this amendment can also be found throughout the originally filed application such as, at least, on page 6, line 31-35; and page 8, line 23 – page 9, line 19. Claim 11 has been further amended to recite a "microorganism" as opposed to a "filamentous fungus." There is plainly support for this amendment throughout the originally filed application. The amendment to claims 30-33 are simply a matter of form and the amendment to claim 55 changes the claim upon which it is dependent. No new matter has been added. Further, by the present amendment, claims 3-6 and 36 have been canceled without prejudice or disclaimer to the subject matter recited therein. Applicants reserve the right to file one or more divisional and/or continuation applications directed to any of the subject matter herein canceled.

Turning now to the outstanding Office Action, there is only one remaining issue. More specifically, claims 1-14, 30-34, 36-43, 52, 54-58, 65-68 and 70-73 have rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which

was allegedly not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. This rejection continues to be traversed. However, to expedite prosecution in the present application and not to acquiesce to the Examiner's rejection, independent claims 1, 11 and 34 have been amended to recite "wherein said microorganism is *Mortierella elongata* SAM 0219 or *Mortierella alpina* SAM 2241." In the outstanding Office Action, the Examiner has admitted that the subject application clearly exemplifies the recited two strains. See Office Action at 2. Therefore, it is believed that the currently pending claims fully satisfy the enablement requirement. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any questions concerning this Amendment and Reply or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

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